

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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COMBINED DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO.
2360-241PPLEASE NOTE:
YOU MUST
COMPLETE THE
FOLLOWING:

FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

TELEPHONE SET WITH A HANDSET HAVING A MOUTHPIECE
AND/OR AN EARPIECE

Fill in Appropriate
Information -
For Use Without
Specification
Attached:

the specification of which is attached hereto. If not attached hereto,

the specification was filed on _____ as
United States Application Number _____; and /or

the specification was filed on _____ as PCT
International Application Number _____; and was
amended under PCT Article 19 on _____ (If applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my, or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Insert Priority
Information:
(if appropriate)

Prior Foreign Application(s)

1843/95-9
(Number)

Switzerland
(Country)

6/23/95
(Month/Day/Year Filed)

Priority Claimed

☒ Yes ☐ No

575/96
(Number)

Switzerland
(Country)

5/3/96
(Month/Day/Year Filed)

☒ Yes ☐ No

679/96
(Number)

Switzerland
(Country)

3/14/96
(Month/Day/Year Filed)

☒ Yes ☐ No

7/96
(Number)

Gambia
(Country)

1/5/96
(Month/Day/Year Filed)

☒ Yes ☐ No

678/96
(Number)

Switzerland
(Country)

3/14/96
(Month/Day/Year Filed)

☒ Yes ☐ No

1238/96
(Number)

Switzerland
(Country)

5/15/96
(Month/Day/Year Filed)

☒ Yes ☐ No

I hereby claim the benefit under Title 35, United States Code, §119(c) of any United States provisional application(s) listed below.

Insert Provisional
Application(s):
(if any)

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More Than 12 Months (6 Months for Designs) Prior To The Filing Date of This Application:

Insert Requested
Information:
(if appropriate)

Country

Application No.

Date of Filing (Month/Day/Year)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Insert Prior U.S.
Application(s):
(if any)

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

Terrell C. Birch (Reg. No. 19,882)
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PLEASE NOTE:
 YOU MUST
 COMPLETE THE
 FOLLOWING:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor:

Given Name of Inventor:

Family Name of Inventor:

Signature of Inventor:

Residence of Inventor:

Post Office Address of Inventor:

Full Name of Second Inventor, if any:

Given Name of Second Inventor, if any:

Family Name of Second Inventor, if any:

Signature of Second Inventor, if any:

Residence of Second Inventor, if any:

Post Office Address of Second Inventor, if any:

Full Name of Third Inventor, if any:

Given Name of Third Inventor, if any:

Family Name of Third Inventor, if any:

Signature of Third Inventor, if any:

Residence of Third Inventor, if any:

Post Office Address of Third Inventor, if any:

Full Name of Fourth Inventor, if any:

Given Name of Fourth Inventor, if any:

Family Name of Fourth Inventor, if any:

Signature of Fourth Inventor, if any:

Residence of Fourth Inventor, if any:

Post Office Address of Fourth Inventor, if any:

Full Name of Fifth Inventor, if any:

Given Name of Fifth Inventor, if any:

Family Name of Fifth Inventor, if any:

Signature of Fifth Inventor, if any:

Residence of Fifth Inventor, if any:

Post Office Address of Fifth Inventor, if any:

GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Andreas	PEIKER	<i>[Signature]</i>	X 08/12/97
Residence (City, State & Country)		CITIZENSHIP	
Friedrichsdorf Germany		German	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
Max-Planck-Strasse 32, D-61381, Friedrichsdorf, Germany			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			

* DATE OF SIGNATURE

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Applicant or Patentee: Andreas PEIKER

Attorney's
Docket No.: 2360-241P

Serial or Patent No.: New

Filed or Issued: December 23, 1997

For: TELEPHONE SET WITH A HANDSET HAVING A MOUTHPIECE AND/OR AN
EARPIECE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§ 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. § 1.8(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled Telephone Set With A Handset Having
A Mouthpiece and/or An Earpiece described in

☒ (K) the specification filed herewith

☐ () application serial no. _____, filed _____

☐ () patent no. _____, issued _____

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. § 1.8(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. § 1.8(d) or a nonprofit organization under 37 C.F.R. § 1.8(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ (K) no such person, concern, or organization
☐ () persons, concerns or organizations listed below

*NOTE: Separate verified statements are required from each person, concern or organization having rights to the invention availing to their status as small entities. (37 C.F.R. § 1.27)

FULL NAME _____

ADDRESS _____

☐ () INDIVIDUAL

☐ () SMALL BUSINESS CONCERN

☐ () NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ () INDIVIDUAL

☐ () SMALL BUSINESS CONCERN

☐ () NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ () INDIVIDUAL

☐ () SMALL BUSINESS CONCERN

☐ () NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR <u>Andreas Peiker</u>	NAME OF INVENTOR	NAME OF INVENTOR
Signature of Inventor <i>Andreas Peiker</i>	Signature of Inventor	Signature of Inventor
Date <u>08/12/97</u>	Date	Date